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*Not for service

April 26, 2022

Hon. Jesse M. Furman
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Anshuman Bhatia v. City of New York, et al., 21-cv-8363 (JMF)(JLC)

Your Honor:

I am counsel for Plaintiff. I write regarding the Court's April 18, 2022 Order (the "Order," ECF No. 32) insofar as it directed Plaintiff "to mail a copy of this Order to the Individual Defendants and promptly file proof of service on the docket."

For two reasons, I mistakenly failed to comply with those directions. First, I somehow misread the Order – although its terms are clear – and did not flag serving the three Individual Defendants or filing proof of service as tasks at all. Second, and relatedly, I mis-remembered how the Individual Defendants were served with the Summons and Complaint. In fact, two of the three consented to service by e-mail via the New York City Department of Social Services and the third consented to service by e-mail at an address the parties agreed to keep confidential. *See* ECF Nos. 15-17.

When I realized my mistakes this morning, I spoke with opposing counsel, who kindly agreed to find out if the Individual Defendants would consent to service at those same e-mail addresses and, if not, to provide me with directions as to how and/or where to serve them. As a result, I expect to have good service information for the Individual Defendants no later than Monday or Tuesday of next week. I therefore expect to be in a position to serve the Individual Defendants no later than next Wednesday, May 4, 2022. Additionally, today, Magistrate Judge Cott calendared a settlement conference in this matter for May 31, 2022, with pre-settlement letters due by May 24.

In light of the foregoing, Plaintiff now respectfully asks that the Court issue an order directing the Individual Defendants to appear by a reasonable date certain after May 4, 2022, to be determined by the Court, and that failure to do so may result in the Court entertaining a motion for entry of a default judgment against the Individual Defendants; and directing Plaintiff to mail or e-mail a copy of the order to the Individual Defendants and promptly file proof of service on the docket.

Finally, Plaintiff respectfully suggests that May 11, 2022 would be a reasonable date to order the Individual Defendants to appear on or before under the circumstances. The Individual Defendants who have not yet appeared were served with the opening papers in this matter on November 23, 2021. Plaintiff reasonably expects to be able to serve the Individual Defendants with any order this Court issues as a result of this application by May 4. The Court's April 18 Order gave the Individual Defendants one week to appear. May 11 is one week after May 4. One week was reasonable before and it is reasonable now. If the Individual Defendants appear by May 11, 2022, all parties will be able to prepare for and participate in the May 31 settlement conference, including by submitting pre-settlement letters on May 24.

Defendant City's Position: The City consents to the request except to add that, given the limited resources of the Individual Defendants (who are not being provided counsel by the City), in the City's view it would be reasonable to allow the Individual Defendants until May 23, 2022 to appear. That date will allow the Individual Defendants sufficient time to participate in the settlement conference by pre-conference letters and attendance at the conference.

Thank you for your attention to this matter.

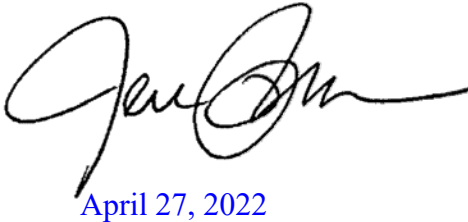
Respectfully submitted,

/S/

Gideon Orion Oliver

Application GRANTED. Plaintiff is ordered to serve the Individual Defendants with this endorsed letter by no later than **May 4, 2022**, and the Individual Defendants are ordered to appear by no later than **May 23, 2022**. Failure to do so may result in the Court entertaining a motion for entry of a default judgment against the Individual Defendants. The Clerk of Court is directed to terminate ECF No. 37.

SO ORDERED.

A handwritten signature in black ink, appearing to be "Jau [unclear]", written over the typed name "Jau Orion Oliver".

April 27, 2022